

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY PAUL BARTH,

Defendant.

Case:2:16-cr-20831

Judge: Roberts, Victoria A.

MJ: Majzoub, Mona K.

Filed: 12-20-2016 At 11:44 AM

INDI USA V. BARTH (DA)

18 U.S.C. § 2252A(a)(2)

18 U.S.C. § 2252A(a)(5)(B)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

18 U.S.C. § 2252A(a)(2) — *Receipt of Child Pornography*

From 2012 to on or about April 20, 2016, in the Eastern District of Michigan and elsewhere, the defendant, TIMOTHY PAUL BARTH, knowingly received child pornography, as defined in 18 U.S.C. § 2256(8)(A), and the images received by the defendant had been mailed, shipped and transported using the Internet, a means and facility of interstate and foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(2).

COUNT TWO

18 U.S.C. § 2252A(a)(5)(B) — *Possession of Child Pornography*

On or about April 20, 2016, in the Eastern District of Michigan, the defendant, TIMOTHY PAUL BARTH, knowingly possessed any material that contained an image of child pornography, as defined in 18 U.S.C. § 2256(8)(A), and the child pornography included depictions of prepubescent minors who had not attained 12 years of age, and the child pornography had had been mailed, shipped, and transported using any means or facility of interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(5)(B).

FORFEITURE ALLEGATION

Upon conviction of the offenses charged in Counts One and Two of the Indictment, the defendant, TIMOTHY PAUL BARTH, shall, pursuant to 18 U.S.C. § 2253, forfeit to the United States the following:

- i. Any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- ii. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

- iii. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

If any of the property described in the paragraphs above as being forfeitable pursuant to 18 U.S.C. § 2253, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America, pursuant to 21 U.S.C. § 853(p), intends to seek forfeiture of all other property of the defendant up to the value of the above described forfeitable property.

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

BARBARA L. McQUADE
United States Attorney

s/ Matthew A. Roth
MATTHEW A. ROTH
Chief, General Crimes Unit
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3220
phone: 313-226-9713

s/ Margaret M. Smith
MARGARET SMITH
Deputy Chief, General Crimes Unit
211 West Fort Street, Ste. 2001
Detroit, MI 48226-3220
(313) 226-9135
Margaret.smith@usdoj.gov

Dated: December 20, 2016

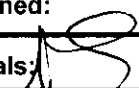
Case: 2:16-cr-20831
 Judge: Roberts, Victoria A.
 MJ: Majzoub, Mona K.
 Filed: 12-20-2016 At 11:44 AM
 INDI USA V. BARTH (DA)

United States District Court
 Eastern District of Michigan

Criminal Case Cov

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: 

Case Title: USA v. TIMOTHY PAUL BARTH

County where offense occurred : Washtenaw

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

☐ Indictment/ ☐ Information --- no prior complaint.

☒ Indictment/ ☐ Information --- based upon prior complaint (Case number:) 16-mj-30564

☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

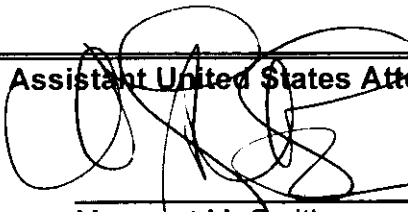
Defendant name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

December 20, 2016
 Date


 Margaret M. Smith
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277
 Phone: 313-226-9135
 Fax: 313-226-5892
 E-Mail address: margaret.smith@usdoj.gov
 Attorney Bar #: 71413

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.